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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,955	03/23/2001	Atsushi Hayashi	108614	2020

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EXAMINER	
CAPRON, AARON J	
ART UNIT	PAPER NUMBER
3714	8

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/762,955	HAYASHI, ATSUSHI	
	Examiner	Art Unit	
	Aaron J. Capron	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 March 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

The examiner's consideration under MPEP 609 of the non-English language references cited on submitted Information Disclosure Statement is limited to the extent described for the cited non-English documents and any corresponding translations therein only so far as the particular portion respectively translated and without reference to a complete invention thereof. It is further noted that the translations are not attested as to their accuracy.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-24 and 27-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al. (U.S. Patent No. 5,704,837; hereafter "Iwasaki").

Referring to claim 1, Iwasaki discloses an image generation system comprising means for determining whether an intervening object (Figure 10, item 82) intervenes between a first computer object controlled by a computer (Figure 10. item 500B or the projectile of 500B) and player's object viewpoint controlled by a player (Figure 10, item 500A) and/or for controlling an action of the first computer object according to the determination; and means for generating an image containing the image of the first computer object (Figures 10-11; 12:13-26).

Referring to claim 2, Iwasaki discloses whether the intervening object intervenes between the first computer object and the player's object or viewpoint is determined by determining whether the intervening object exists on a line connecting between the first computer object and the player's object or viewpoint (Figure 33, 19:41-20:8).

Referring to claim 3, Iwasaki discloses an image generation system comprising means for preventing a first computer object controlled by a computer from acting on a player when an intervening object intervenes between the first computer object and a player's object controlled by the player or viewpoint; and means for generating an image containing the image of the first computer object (12:13-26, the intervening object limits a counterattack until the first computer object moves until the player's character is viewable).

Referring to claims 4-5, Iwasaki discloses acting on the player by the first computer object is prohibited or restricted when the intervening object intervenes between the first computer object and the player's object of viewpoint (12:13-26, the intervening object limits a counterattack until the first computer object moves until the player's character is viewable).

Referring to claims 6-7, Iwasaki discloses the first computer object is moved to a given moving target position when the intervening object intervenes between the first computer object and the player's object or viewpoint (12:13-26).

Referring to claims 10-11, Iwasaki discloses the first computer object is erased when the first computer object moves out of the player's view (13:26-32 and 15:19-40).

Referring to claims 12-13, Iwasaki discloses the motion of the first computer object is generated by a physical simulation (Figures 10-11).

Referring to claims 14-15, Iwasaki discloses the motion of the first computer object is generated by a physical simulation when hitting (the attack of a future tank to another); wherein whether the intervening object intervenes between the first object and the player's object or viewpoint is determined when a given time has elapsed after the hitting (each frame [1/60 second] determines whether an intervening object is there, 20:46-67 and 22:42-59); and wherein the action of the first computer object is controlled according to the determination.

Referring to claims 16-17, Iwasaki discloses the first computer object is an object attacking the player; and wherein the attack of the first computer acts on the player without obstruction by the intervening object (12:13-26, the intervening object limits a counterattack until the first computer object moves until the player's character is viewable).

Claims 18-24 and 27-34 correspond in scope to a program set forth for use of the image generation system listed in the claims above and are encompassed by use as set forth in the rejection above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-9 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki.

Referring to claims 8-9, Iwasaki discloses the image generation system and discloses that multiple game characters can be used within the game (22:16-58), but fails to disclose the first computer object is made to stand by when the intervening object is a second object controlled by the computer. However, it is notoriously well known within the art of battle simulators that players and the computer have multiple game characters to control wherein the game characters controlled by the computer will not shoot unless there are friendly game characters out of the way of the shooting. One would be motivated to incorporate these features in order to make the simulation more realistic. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the standby of friendly game characters within the Iwasaki's invention in order to provide a more realistic simulation.

Claims 25-26 correspond in scope to a program set forth for use of the image generation system listed in the claims above and are encompassed by use as set forth in the rejection above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700